



Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: WT Docket No. 16-421 – Streamlining Deployment Of Small Cell Infrastructure By Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition For Declaratory Ruling

Dear Ms. Dortch:

Eco Site, Inc. (“Eco-Site” or “Company”) hereby submits its initial comments in the referenced Docket in accordance with the Commission’s Public Notice DA 16-147, released December 22, 2016.¹

Eco-Site’s Interest In This Proceeding

Eco-Site provides shared wireless infrastructure solutions, primarily in urban and suburban locations. Founded in 2012 by three former executives of one of the major, publicly-traded tower companies, Eco-Site develops, owns and manages free standing telecommunications towers and provides site development and real estate management services for the deployment of rooftop and building-mounted antenna sites. By entering exclusive marketing and management agreements with convenience stores, quick serve restaurants and other retail locations, Eco-Site represents more than 100,000 properties to wireless carriers. Eco-Site’s retail locations supplement utility poles and light poles to serve as small cell antenna sites in the deployment of LTE, Wi-Fi and other advanced broadband services in densely populated areas. To date, Eco-Site is in the process of developing more than 400 tower sites and is evaluating more than 750 building-mounted small cell projects on behalf of major wireless carriers. As such the Company has first-hand experience with the challenges of deploying a variety of wireless infrastructure facilities and has a direct interest in the outcome of this proceeding.

The Commission Should Broaden The Scope Of Its Assessment And Guidance

Eco-Site commends the Commission for undertaking to assess and address actions the agency might take to help expedite the deployment of next generation wireless infrastructure. As noted in the Public Notice, technological developments demand such agency oversight at this juncture.²

Despite the FCC’s past efforts, as described in the Public Notice, to provide greater clarity and guidance, the Commission properly recognizes that often there remain locally-imposed impediments to a timely

¹ Public Notice, “Comment Sought On Streamlining Deployment Of Small Cell Infrastructure BY Improving Wireless Facilities Siting Policies; Mobilitie, LLC Petition For Declaratory Ruling, 31 FCC Rcd 3697 (2016) (“Public Notice”). These initial comments are timely filed in accordance with the amended filing dates prescribed by the FCC’s Order, DA 17-51, Wireless Telecom. Bur., released January 12, 2017.

² Public Notice, pp. 3-4.

infrastructure deployment process. As further noted by the Public Notice, “it is [the Commission’s] responsibility to ensure that [the] deployment of network facilities [do] not become subject to delay caused by unnecessarily time-consuming and costly siting review processes that may be in conflict with the Communications Act.”³

In view of that responsibility, Eco-Site requests that the Commission broaden its review and assessment of the potential marketplace impediments impacting the deployment of wireless infrastructure. The Company recognizes that there are many challenges associated with the deployment of small cell antenna sites in the public rights of way, including disparate and sometime exorbitant pricing schemes or unreasonable zoning and health and safety concerns imposed by state and municipal entities. However, Eco-Site maintains that the burdensome entitlement regimes established by these same entities extend in many key respects to small cell deployments on privately-owned real estate, particularly on existing buildings and structures. As the Commission considers how to streamline deployment of small cell infrastructure it should not ignore the important role that such sites have in expanding or enhancing broadband access.

In the Company’s experience, existing or developable infrastructure in the public rights of way fails to offer a complete network solution to ever-increasing demand for broadband network facilities. Wireless carriers routinely pursue antenna sites on privately-owned buildings and structures as the only solution to a network coverage or capacity need. Whether due to the lack of tower space, inadequate existing aerial utility infrastructure, prohibitive municipal regulatory schemes, or onerous utility company requirements there is a credible, demonstrated economic need to incorporate sites on privately-owned buildings into modern advanced broadband networks. Despite this need, municipalities do not typically differentiate between conventional wireless “macro site” antenna configurations on a multi-story rooftop and small cell antenna deployments on single story properties. The typical municipal entitlement framework associated with conventional rooftop antenna sites, when applied to a small cell deployment, burdens wireless carriers and their real estate partners with economic disincentives in the form of unreasonable costs, project delays and commercially unacceptable risks. By way of example, wireless carriers often endure rigorous planning and zoning proceedings for wireless site entitlement approval. In many cases these proceedings require extensive engineering studies, expert consultant testimony, legal services and municipal fees that amount to tens of thousands of dollars. Small cell deployments, by their very nature, are less complex, more numerous and less costly than a traditional macro wireless site, often by an order of just one-tenth the cost. Infrastructure providers and their wireless carrier customers simply cannot bear the cost of such proceedings or the risk of denial in a small cell economic model.

Eco-Site strongly believes that the Commission should develop a uniform approach for the placement of small cells on privately-owned existing structures outside of the public rights of way. As part of this approach, the Company respectfully urges that the FCC develop a consistent definition of small cell deployments. As a suggestion, the Commission can either use the radiating wattage of the site or the size of the visible equipment and antenna as parameters to establish the small cell definition.

³ Public Notice, p. 2.

Eco-Site further requests that the Commission then provide safe harbor guidelines for small cell deployments wherein any installation meeting the definition of a small cell be allowed by right on existing structures without the threat of onerous, unreasonable municipal regulation, zoning or permitting. Eco-Site would encourage the Commission to create a set of rules or guidelines that establish, in principle, that a qualifying small cell antenna placement on convenience stores, quick serve restaurants, grocery stores, and other retail locations would not be negatively impacted by burdensome and overreaching zoning or permitting requirements. The guidelines should include reasonable timelines for municipal or local authorities to act.

Based on Eco-Site's extensive experience, it is the Company's sincere belief that adopting such a framework would further the Commission's goal of expanding the deployment of broadband services to the public. Again, the Company is encouraged by the Commission's initiative and commitment to exercise its responsibility. Eco-Site is prepared to provide further information about its experiences in aid of the FCC's review.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Richard Stern", written over the "Respectfully submitted," text.

Name: Richard Stern

Title: Executive Vice President and General Counsel